

Adam Hosmer-Henner (NSBN 12779)
Chelsea Latino (NSBN 14227)
Jane Susskind (NSBN 15099)
McDONALD CARANO LLP
100 West Liberty Street, Tenth Floor
Reno, Nevada 89501
(775) 788-2000
ahosmerhenner@mcdonaldcarano.com
clatino@mcdonaldcarano.com
jsusskind@mcdonaldcarano.com

Boris Bershteyn (*pro hac vice*)
Ken Schwartz (*pro hac vice*)
Michael Menitove (*pro hac vice*)
Sam Auld (*pro hac vice*)
**SKADDEN, ARPS, SLATE, MEAGHER &
FLOM LLP**
One Manhattan West
New York, New York 10001
(212) 735-3000
Boris.Bershteyn@skadden.com
Ken.Schwartz@skadden.com
Michael.Menitove@skadden.com
Sam.Auld@skadden.com

*Attorneys for Defendant
Caesars Entertainment, Inc.*

*[Additional counsel listed on
Signature Page]*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RICHARD GIBSON, and ROBERTO MANZO,

Plaintiffs,

v.

CENDYN GROUP, LLC, THE RAINMAKER
GROUP UNLIMITED, INC., CAESARS
ENTERTAINMENT INC., TREASURE
ISLAND, LLC, WYNN RESORTS HOLDINGS,
LLC, BLACKSTONE, INC., BLACKSTONE
REAL ESTATE PARTNERS VII L.P., JC
HOSPITALITY, LLC,

Defendants.

Case No. 2:23-cv-00140-MMD-DJA

**DEFENDANTS' JOINT MOTION FOR
LEAVE TO EXCEED PAGE LIMITS
FOR DEFENDANTS' JOINT MOTION
TO DISMISS THE FIRST AMENDED
CLASS COMPLAINT WITH
PREJUDICE**

Defendants Cendyn Group LLC, the Rainmaker Group Unlimited, Inc., Caesars Entertainment, Inc., Treasure Island, LLC, Wynn Resorts Holdings, LLC, Blackstone Inc., and Blackstone Real Estate Partners VII L.P., by and through their counsel, move this Court pursuant to LR 7-3 for leave to file a 30-page Joint Motion to Dismiss the First Amended Class Complaint (ECF No. 144 (“FAC”)). This Motion is based on the following Memorandum of Points and Authorities and the declaration of Boris Bershteyn. Plaintiffs declined to consent to the requested six-page extension.

MEMORANDUM OF POINTS AND AUTHORITIES

Defendants respectfully request that the Court grant them leave to file a 30-page Joint Motion to Dismiss the FAC—exceeding LR 7-3 by just six pages. Under LR 7-3(c), the Court may allow a party to exceed the standard 24-page limit on motions to dismiss “upon a showing of good cause.” Good cause exists to support the requested six-page extension because defendants have worked to efficiently brief defects in the FAC that are common to all defendants in one brief, which will explain how none of the allegations that plaintiffs added to the FAC address (much less cure) the “numerous pleading deficiencies” this Court found in plaintiffs’ initial complaint. *Gibson v. MGM Resorts Int’l*, No. 23-CV-00140 (MMD), 2023 WL 7025996, at *1 (D. Nev. Oct. 24, 2023). The six additional pages are warranted by the FAC’s length (370 paragraphs—triple the length of the initial complaint—with 33 pages of exhibits) and the addition of a second claim for relief based on alleged vertical agreements between defendants. (FAC ¶¶ 361-70.) Defendants’ Joint Motion to Dismiss the FAC is due on February 14, 2024, and consistent with LR 7-3(c), this motion is submitted in advance of this deadline and supported by a declaration stating the reasons six additional pages are needed.

Good cause also exists because the requested six-page extension would further defendants’ efforts to efficiently address issues relevant to all defendants in a single motion, rather than in overlapping motions from each defendant. Although each defendant would be entitled to 24 pages of briefing in an individual motion to dismiss, the interests of the Court and all parties to the litigation would be better served by joint briefing of issues common to all defendants.

Accordingly, the undersigned defendants request the Court’s permission to file a joint motion to

1 dismiss the FAC that does not exceed 30 pages.

2 Dated: February 9, 2024

3 /s/ Boris Bershteyn

4 Adam Hosmer-Henner (NSBN 12779)
5 Chelsea Latino (NSBN 14227)
6 Jane Susskind (NSBN 15099)
7 McDONALD CARANO LLP
8 100 West Liberty Street, Tenth Floor
9 Reno, Nevada 89501
10 (775) 788-2000
11 ahosmerhenner@mcdonaldcarano.com
12 clatino@mcdonaldcarano.com
13 jsusskind@mcdonaldcarano.com

14 Boris Bershteyn (*pro hac vice*)
15 Ken Schwartz (*pro hac vice*)
16 Michael Menitove (*pro hac vice*)
17 Sam Auld (*pro hac vice*)
18 SKADDEN, ARPS, SLATE,
19 MEAGHER & FLOM LLP
20 One Manhattan West
21 New York, New York 10001
22 (212) 735-3000
23 Boris.Bershteyn@skadden.com
24 Ken.Schwartz@skadden.com
25 Michael.Menitove@skadden.com
26 Sam.Auld@skadden.com

27 *Attorneys for Defendant*
28 *Caesars Entertainment, Inc.*

21 /s/ Tammy A. Tsoumas

22 Patrick G. Byrne
23 Nevada Bar No. 7636
24 Bradley Austin
25 Nevada Bar No. 13064
26 SNELL & WILMER
27 3883 Howard Hughes Parkway
28 Las Vegas, NV 89169
Telephone: (702) 784-5200
Facsimile: (702) 784-5252
pbyrne@swlaw.com
baustin@swlaw.com

Respectfully submitted,

/s/ Patrick J. Reilly

Patrick J. Reilly
Arthur A. Zorio
Emily Garnett (*pro hac vice*)
Eric D. Walther
BROWNSTEIN HYATT FARBER
SCHRECK, LLP
100 North City Parkway, Ste. 1600
Las Vegas, NV 89106
Telephone: 702.382.2101
preilly@bhfs.com
azorio@bhfs.com
egarnett@bhfs.com
ewalther@bhfs.com

Attorneys for Defendant Treasure Island, LLC

/s/ Brendan A. McShane

J. Colby Williams (5549)
710 South Seventh Street
Las Vegas, NV 89101
Telephone: (702) 382-5222
Facsimile: (702) 382-0540
jcw@cwalawlv.com

Sadik Huseny (*pro hac vice*)
Tim O'Mara (*pro hac vice*)
Brendan A. McShane (*pro hac vice*)
LATHAM & WATKINS LLP
505 Montgomery Street, Suite 2000
San Francisco, CA 94111-6538
Telephone: (415) 391-0600
Facsimile: (415) 395-8095
sadik.huseny@lw.com
tim.o'mara@lw.com
brendan.mcshane@lw.com

Anna M. Rathbun (*pro hac vice*)
Christopher J. Brown (*pro hac vice*)
LATHAM & WATKINS LLP
555 Eleventh Street, NW Suite 1000
Washington, DC 20004-1304
Telephone: (202) 637-3381

1 Mark Holscher (*pro hac vice*)
2 Tammy Tsoumas (*pro hac vice*)
3 Leonora Cohen (*pro hac vice*)
4 KIRKLAND & ELLIS LLP
5 2049 Century Park East, Suite 3700
6 Los Angeles, California 90067
7 Telephone: (310) 552-4200
8 Facsimile: (310) 552-5900
9 ttsoumas@kirkland.com
10 mholscher@kirkland.com
11 lena.cohen@kirkland.com

8 Matthew Solum (*pro hac vice*)
9 KIRKLAND & ELLIS LLP
10 601 Lexington Ave
11 New York, NY 10022
12 Telephone: (212) 446-4688
13 Facsimile: (917) 848-7536
14 msolum@kirkland.com

12 *Attorneys for Defendant Wynn*
13 *Resorts Holdings, LLC*

15 /s/ Arman Oruc

16 Nicholas J. Santoro (NV Bar No. 532)
17 300 S. 4th Street, Suite 1600
18 Las Vegas, NV 89101
19 Tel.: (702) 791-0308 / Fax: (702) 791-1912
20 nsantoro@nevadafirm.com

19 Arman Oruc (*pro hac vice*)
20 GOODWIN PROCTER LLP
21 1900 N Street, N.W.
22 Washington, DC 20036-1612
23 Tel.: (202) 346-4000 / Fax: (202) 346-4444
24 AOruc@goodwinlaw.com

23 Alicia Rubio-Spring (*pro hac vice*)
24 GOODWIN PROCTER LLP
25 100 Northern Avenue
26 Boston, MA 02110
27 Tel.: (617) 570-1000 / Fax: (617) 523-1231
28 ARubio-Spring@goodwinlaw.com

Attorneys for Defendant The Rainmaker Group
Unlimited, Inc.

Facsimile: (202) 637-2201
anna.rathbun@lw.com
chris.brown@lw.com

Attorneys for Defendant Cendyn Group LLC

/s/ Matthew L. McGinnis

Daniel McNutt, Esq., Bar No. 7815
Matthew C. Wolf, Esq., Bar No. 10801
MCNUTT LAW FIRM, P.C.
11441 Allerton Park Drive, #100
Las Vegas, Nevada 89135
Tel.: (702) 384-1170
Fax.: (702) 384-5529
drm@mcnuttlawfirm.com
mcw@mcnuttlawfirm.com

Matthew L. McGinnis (*pro hac vice*)
ROPES & GRAY LLP
Prudential Tower
800 Boylston Street
Boston, Massachusetts 02199
Tel: (617) 951-7000
Fax: (617) 951-7050
matthew.mcginnis@ropesgray.com

Of counsel:

David B. Hennes
Jane E. Willis
ROPES & GRAY LLP
1211 Avenue of the Americas
New York, New York 10036
Tel: (212) 596-9000
Fax: (212) 596-9090
david.hennes@ropesgray.com
jane.willis@ropesgray.com

Attorneys for Defendants Blackstone Inc. and
Blackstone Real Estate Partners VII L.P.